[31st January 1929

Civil Justice

Appointment of legal practitioners for representing the Public Prosecutor in the High Court.

* 1233-A *Q.*—Mr. Abdul Hamid Khan: Will the hon. the Law Member be pleased to state—

(*a*) whether in several criminal cases in the High Court the Public Prosecutor is represented by other legal practitioners;

(*b*) what is the standing and experience of persons who are so deputed to represent him;

(*c*) whether the sanction of Government is obtained for such substitution; and

(*d*) whether any and if so what principles are followed in making such appointments?

A.—(*a*) Yes.

(*b*) Two are of 12 years' standing, one of 9 years and two of 6 and 3 years' standing, respectively.

(*c*) & (*d*) To ensure that cases are handled efficiently the Government have directed that there should be a panel of recognized persons from among whom the Public Prosecutor should select persons for the conduct of cases to which he cannot attend personally and that the work should be distributed more or less evenly among the juniors. The Public Prosecutor, Madras, sends from time to time a list of such juniors to Government for approval.

Mr. Abdul Hamid Khan :—" Sir, May I know whether it is a fact that the Manager makes his own preferences in granting adjournments in criminal cases?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" It is not a fact, Sir."

Mr. Abdul Hamid Khan :—" May I ask the hon. Member whether it is not a fact that there is a good deal of discontent among the practitioners?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" It is not a fact, Sir. But I do not see anything about the Manager in this question."

Mr. P. Bhaktavatsulu Nayudu :—" Was it the practice in the time of the previous Public Prosecutors also for them to be represented by other legal practitioners?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" Yes."

Alleged practice of substitutes for the Public Prosecutor appearing against Government in some cases.

* 1233-B *Q.*—Mr. Abdul Hamid Khan: Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the substitutes chosen to represent the Public Prosecutor sometimes appear against the Government in other criminal cases on the same day before the same Judge or Bench of Judges;

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(*b*) whether the Government have approved of this procedure and if so, on what grounds ; and

(*c*) whether the Government will call for a report and take steps to prevent this practice ?

A.—(*a*) The Government have no information.

(*b*) Does not arise.

(*c*) The Government are not convinced of the necessity for any action in the manner suggested.

Sriman BISWANATH DAS Mahasayo : —" May I know whether it is a fact that in a recent case a member of the Bar, who is not even on the panel sent by the Public Prosecutor, was appointed by the Manager himself without consulting the Public Prosecutor ? " 11-45 a.m.

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It is not a fact."

Alleged delay in issuing copies of judgments in South Kanara.

* 1234 *Q.*—Mr. MAHMUD SCHAMNAD SAHIB : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government are aware that printed copies of judgments for appeal in civil suits in South Kanara are generally given several months after their delivery and that thereby parties are put to very great inconvenience ;

(*b*) whether the Government are aware that there are several printing presses in South Kanara and that this delay is caused by giving the monopoly of this printing to only one of these presses ; and

(*c*) whether the Government propose to take the necessary steps to prevent this delay ?

A.—(*a*), (*b*) & (*c*) The Government have no information.

Mr. MAHMUD SCHAMNAD SAHIB :—" It is stated that the Government have no information. May I ask if the Government will be pleased to call for the information and place it on the table of the House."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government will send this question and answer through the High Court to the District Judge."

Criminal Justice.

Alleged issue of orders under section 144, *Criminal Procedure Code, on a Congressman at Vellore.*

* 1235-A *Q.*—Mr. A. KALESWARA RAO : Will the hon. the Law Member be pleased to state—

(*a*) whether his attention has been drawn to the order issued under section 144, Criminal Procedure Code, by the Magistrate of Vellore, gagging a speaker in a meeting held under the auspices of the Congress Committee ;

(*b*) whether the Government have made an enquiry about the necessity for issuing such an order ;

(*c*) whether the Government have expressed their approval or disapproval of such order ; and

(*d*) whether the Government intend to issue instructions to all Magistrates not to abuse section 144 ?